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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/602,018 06/23/00 RAGHU

S 2973-Z

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QM02/0709

EXAMINER

KIM.C

ART UNIT

PAPER NUMBER

3752

DATE MAILED:

07/09/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

**Office Action Summary**

Application No.

09/602,018

Applicant(s)

RAGHU ET AL.

Examiner

Christopher S. Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 June 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2000 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to because the poor quality prohibits thorough examination of the application. Following are some examples of corrections required.

Applicant is required to submit new drawings and to correct the specification.

Reference signs "11" and "20" both designate the fluidic oscillator device.

Reference signs "13" and "SW" both designate the wall.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "at least one power nozzle", i.e. more than one power nozzle, recited in claims 1 and 5; and the "one or more outlets", i.e. more than one outlet, recited in claims 1 and 5 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-6 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification does not disclose how the "passages

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are dimensioned and angulated" (claim 2); more than one power nozzle 9 (claims 1 and 5); more than one outlet (claims 1 and 5).

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 5 recite "one or more". It is uncertain whether applicant is claiming one nozzle or more than one nozzle.

Claim 1 recites "at least one jet of water into said oscillation chamber in one or more outlets from..." in lines 8-9. How is the oscillation chamber in one or more outlets from said oscillation chamber?

Claim 2 recites "a common outlet" in line 10. This appears to be a double inclusion of the "one or more outlets" recited in claim 1, line 9.

Claim 3 recites the limitation "said pair of fluidic passages" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "said outlet passages" in line 18. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "common outlet" in line 19. This appears to be a double inclusion of the "one or more outlets" recited in line 9.

Claim 6 recites "and an air chamber for coupling air to said outlet..." in lines 4-5. It is uncertain whether the phrase is in reference to the nozzle or the feed ring.

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The above are examples and not a comprehensive listing. Applicant is required to review the claims, in their entirety, for compliance with 35 U.S.C. 112, second paragraph.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bauer (4,662,568) in view of Fichter (3,776,460) and Blakely et al. (3,337,135).

With respect to claims 1-5,

Bauer discloses a fluidic oscillator having a power nozzle 14; a reversing wall 16; outlet 22; a pair of liquid passages (one either side of 14); a pair of sidewalls 28, 30; an air passage 42. Bauer does not disclose a housing, feed ring and a therapeutic spa tub.

Fichter discloses, in column 1, lines 5-14, a fluidic oscillator used in whirlpool baths. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have used the fluidic oscillator of Bauer in a therapeutic spa tub as taught by Fichter for increased atomization.

Blakely et al. discloses a housing 32 having an inlet 40. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have incorporate the housing of Blakely et al. to the device of Bauer for ease in installation.

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With respect to claim 6,

Blakely et al. further discloses threads (in inlet 40), a feed ring 34 and a chamber (space between 30 and 32). It would have been obvious to a person having ordinary skill in the art at the time of the invention to have incorporate the housing of Blakely et al. to each of the power nozzle and the air passage of Bauer to for ease in installation.

9. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bauer (4,184,636) in view of Fichter (3,776,460) and Blakely et al. (3,337,135).

Bauer discloses a fluidic oscillator having a power nozzle 101; a reversing wall (wall of chamber 102); outlet 105; a pair of liquid passages (one either side of 101); a pair of sidewalls (sidewalls downstream of outlets shown in figures 29, 41 and 44-46). Bauer does not disclose a housing and a therapeutic spa tub.

Fichter discloses, in column 1, lines 5-14, a fluidic oscillator used in whirlpool baths. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have used the fluidic oscillator of Bauer in a therapeutic spa tub as taught by Fichter for increased atomization.

Blakely et al. discloses a housing 32 having an inlet 40. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have incorporate the housing of Blakely et al. to the device of Bauer for ease in installation.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bauer et al. (4,227,550) discloses a fluidic oscillator in a tub.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher S. Kim whose telephone number is (703) 308-8336. The examiner can normally be reached on Monday - Thursday, 6:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Scherbel can be reached on (703) 308-1272. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7766 for regular communications and (703) 308-7766 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

CK  
June 29, 2001



**David A. Scherbel**  
**Supervisory Patent Examiner**  
**Group 3700**